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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0237 EMC
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED] ORDER
v.)	DOCUMENTING EXCLUSION OF TIME
)	
DAVID NOSAL,)	
)	
Defendant.)	

With the agreement of the parties in open court on September 19, 2012, the Court enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from September 19, 2012, to February 27, 2013. The parties stipulate, and the Court finds and holds, as follows:

1. The parties appeared before the Court on September 19, 2012, for trial and motions setting. At that time, the Court set a trial date of April 8, 2013. The Court also set a motions briefing schedule in which the defendant will file motions on January 16, 2013, for a hearing on February 27, 2013.

2. Given the history of this case, the prolonged period that the case was before the Ninth Circuit, and the complexity of the case, both parties need additional time to prepare the case for trial and the defendant needs additional time to prepare pretrial

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1 motions. In addition, undersigned defense counsel recently has been dealing with a
 2 medical issue, and he will need additional time to prepare pretrial motions and to prepare
 3 for trial for that additional reason.

4 3. Based on the facts set out above and on the record in open court, the parties
 5 agree, and the Court so finds, that the period from September 19, 2012, to the date of the
 6 hearing on the pretrial motions, February 27, 2013, should be excluded from Speedy Trial
 7 Act calculations based on the need for effective preparation of both defense counsel and
 8 government counsel and the need for continuity of counsel. Given the circumstances set
 9 out above, the Court finds that the ends of justice served by excluding the period from
 10 September 19, 2012, to February 27, 2013, outweigh the best interest of the public and the
 11 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A)

12 4. Accordingly, and with the consent of the defendant David Nosal, the
 13 Court orders that the period from September 19, 2012, to February 27, 2013, be excluded
 14 from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(iv).

15 SO STIPULATED.

16 DATED: September 27, 2012

MELINDA HAAG
 United States Attorney

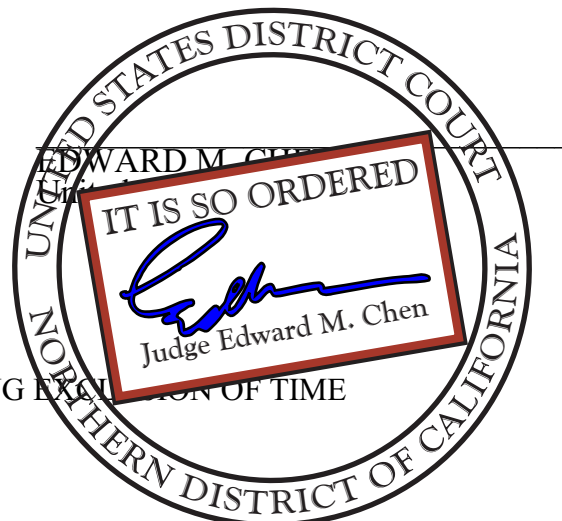
17
 18
 19 /s/
 KYLE F. WALDINGER
 Assistant United States Attorney

20
 21 DATED: September 27, 2012

22 /s/
 STEVEN F. GRUEL
 Attorney for the defendant David Nosal

23
 24 IT IS SO ORDERED.

25 DATED: September 28, 2012



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